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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/685,697	10/09/2000	Jeffrey J. Clawson	23517/4.7	3948
32642	7590	06/26/2006	EXAMINER	
STOEL RIVES LLP - SLC 201 SOUTH MAIN STREET ONE UTAH CENTER SALT LAKE CITY, UT 84111				KNOWLIN, THJUAN P
		ART UNIT		PAPER NUMBER
		2614		

DATE MAILED: 06/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/685,697	CLAWSON, JEFFREY J.
<b>Examiner</b>	<b>Art Unit</b>	
	Thjuan P. Knowlin	2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 10 April 2006.

2a)  This action is FINAL.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-11 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-11 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 09 October 2000 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's RCE and amendment filed on April 10, 2006 has been entered. Claim 1 has been amended. No claims have been cancelled. Claims 9-11 have been added. Claims 1-11 are now pending in this application, with claim 1 being independent.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore (US 4,237,344), in view of Brown (US 6,968,375).
3. In regards to claims 1, 9, 10, and 11, the system of Moore is "capable of rapidly receiving a request for health care from a patient on the basis of voice, telephone, visual, or emergency signaling" (See Moore col. 2 lines 27-30). Examiner finds that this capability reads on "receiving a medial call on a telephone communication device regarding a patient needing medical assistance". A telephone call initiated by the patient has the purpose of indicating his or her needs to the health coordinator, who receives this indication (i.e., description) (See Moore col. 9 lines 15). The health care provider

(i.e., dispatcher) "upon receipt of the patient's signal (i.e., the description)...can accurately and precisely make an informed decision on the degree (i.e., critically value) of medical response required" (See Moore col. 3 lines 59-66). Moreover, the health care provider communicates (i.e., dispatcher) his/her decision on the degree (i.e., critically value) of medical response to the desired personnel (i.e., agents of the medical response (See Moore col. 3 lines 59-66). After the medical staff has arrived at the patient location, they may "if necessary (i.e., based on said critically value), effect further communication (i.e., post dispatch instructions) with the health care coordinator through the telephone...in the patient's (i.e., caller) room (See Moore col. 10 lines 6-17). The Examiner finds that further communication with the health care coordinator (i.e., dispatcher) in the patient's (i.e., caller) room reads on "post dispatch instruction to a caller". Furthermore, the determinations set forth in claim 1, such as determining if the caller is the patient and determining if said chief complaint concern hemorrhaging fall within the scope of standard medical diagnostic procedures and therefore, would have been obvious to one of ordinary skill in the art at the time the invention was made. Moreover, said patient having a chief complaint is a common circumstance and therefore, would have been equally obvious. In regards to the limitations wherein said determinations are made using a systematic pre-scripted interrogation of callers, thereby eliminating variability due to the different skills of the individual dispatchers and said critically value is determined based on responses to preprogrammed inquires, the Examiner takes Official Notice that the limitation reads on well known procedures of pre-screening, through means of a questionnaire, in a triage area. It is well known that

standard questions, such as chest pain, hemorrhage, or concussions, are done in a methodological manner before determining which kind of help the patient will need. Furthermore, Brown discloses the use of pre-scripted (i.e., script program 40, See Fig. 2) questions that are readable by an individual (i.e., health care professional or service provider). The pre-scripted (i.e., script program) questions, are used by the individual to determine the appropriate service needed for the patient/user, based on the patient's/user's response to the questions (See Abstract, col. 3 lines 17-30, and col. 7 lines 19-29). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ this feature within the system, as a way of providing the calling party with the appropriate information based on his or her specific needs. Thus, ensuring proper care and information to the calling party.

4. In regards to claim 2, 3, and 7, the system disclosed by Moore "manages the exit process of an emergency medical dispatch system" as shown above. However, Moore does not teach post dispatch instructions specifically regarding a "hemorrhaging patient", a "patient suffering amputation", or a "patient suffering from burns". Nevertheless, it would have been obvious to anticipate the need for post dispatch instructions addressing these situations, since they comprise common medical conditions.

5. In regards to claims 4, 5, 6, and 8, the system disclosed by Moore "manages the exit process of an emergency medical dispatch system" as shown above. However, Moore does not teach post dispatch instructions specifically regarding a "hazardous material solution", a "violent patient situation", the "presence of an assailant or

dangerous animal", or "a present danger situation", all of which comprise environmental situations. Nevertheless, it would have been obvious to anticipate the need for post dispatch instructions addressing these situations, since the health care provided by Moore's system "can be extended somewhat to environmental care" (See Moore col. 4 lines 29-37) and these situations are common forms of environmental emergencies.

***Response to Arguments***

6. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McFarland et al (US 6,931,112) teach a user invoked directed outdial method and apparatus. Moldenhauer et al (US 6,901,397) teach a method and apparatus for providing web-based assistance to customers and service representatives. Iliff (US 5,594,638) teaches a computerized medical diagnostic system including re-enter function and sensitivity factors.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P. Knowlin whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on (571) 272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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